

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

CASE NO:
DIVISION:

16- 2012-CA-007765

-XX)

P.L.S., B.P.S., , minor children,
by and through their parent and
next friend, PHILIPPE SABINUS, SR.

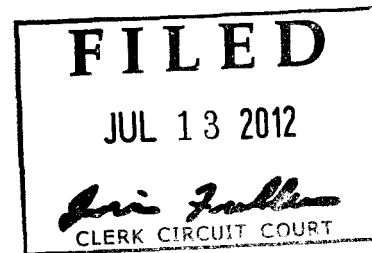
DIVISION CV-A

Plaintiffs,

vs.

FAMILY SUPPORT SERVICES OF NORTH
FLORIDA, INC., MENTAL HEALTH
RESOURCE CENTER, INC., RENAISSANCE
BEHAVIORAL HEALTH SYSTEMS, INC.,

Defendants.



COMPLAINT

Plaintiffs, P.L.S., B.P.S., minor children, by and through their parent and next friend, PHILIPPE SABINUS, SR., sue Defendants, FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC. (hereinafter "FSS"), MENTAL HEALTH RESOURCE CENTER, INC. (hereinafter "MHRC"), and RENAISSANCE BEHAVIORAL HEALTH SYSTEMS, INC. (hereinafter "RBHS"), and allege:

GENERAL ALLEGATIONS

1. This is an action for damages exceeding \$15,000.00, exclusive of costs, interest, and attorneys' fees.
2. This is a negligence claim for actions which took place in Duval County, Florida.

3. At all times relevant and material hereto, the Curry foster home was a foster home licensed by Defendant FSS as a family foster home under FSS's supervision. At all times relevant and material hereto, the Curry foster home was utilized by the Defendant FSS to provide substitute care to children in the Defendant's custody and care, including the Plaintiff children.

THE PARTIES

4. Plaintiffs P.L.S. and B.P.S., are identified using pseudonyms only as they are minors and in order to protect their anonymity from the public due to the nature of the allegations of the Complaint, and their true names are being furnished to Defendants with the service of this Complaint. The alleged perpetrator, E.M., is also being identified using pseudonym only as he too is a minor child.

5. Plaintiffs P.L.S. and B.P.S., are siblings.

6. At all times relevant and material hereto, Plaintiffs P.L.S. and B.P.S. were dependent children in the legal and physical custody of the Defendants and resided in Duval Count, Florida.

7. At all times relevant and material hereto, Defendant FSS was the lead community based care provider charged with operating and overseeing the state child welfare and foster care system in Duval County, Florida and providing substitute care services to children placed in its care. FSS is responsible for caring for dependent children and licensing and monitoring foster homes and shelter care facilities in a specific geographic area. Defendant FSS administers the child protection and foster care system in Duval County, Florida. FSS is a non-profit corporation, organized and existing under the laws of the State of Florida, with its principal place of business at 4057 Carmichael Avenue,

Suite 101, Jacksonville, Florida 32207, in Duval County, Florida.

8. At all times relevant and material hereto, Defendant MHRC was a community based care provider charged with providing substitute care services to children placed in its care, and responsible for caring for dependent children in its care, and operating as a subsidiary of RBHS. At all times relevant and material hereto, Defendants MHRC and RBHS were non-profit corporations, organized and existing under the laws of the State of Florida, and having a shared principal place of business at 10550 Deerwood Park Boulevard, Suite 600, Jacksonville, Florida 32256 in Miami-Dade County, Florida. MHRC and RBHS have three common officers/directors, the same registered agent for service of process at the same address, which address is also their shared principal place of business.

PLAINTIFF P.L.S.

9. On or about March 9, 2010, Plaintiff P.L.S. was taken into protective custody by the Florida Department of Children and Families and removed from his mother's custody when she was arrested by the U.S. Marshals. Subsequently, in March and April, 2010, Plaintiff P.L.S., who was ten (10) years old at the time, was placed by the Defendants in the Curry foster home.

10. At all times while P.L.S. was residing in the Curry foster home, the agents and/or employees of the Defendants knew or should have known that E.M., another foster child living in the Curry foster home, had a history as a victim and/or perpetrator of sexual abuse and had sexually acted out with other children and/or foster children.

11. At all times while P.L.S. was residing with E.M. in the Curry foster home, Defendants knew or should have known that E.M. was an older male child with a known

history of sexually aggressive behavior.

12. Based on information and belief, at no time while P.L.S. was residing in the Curry foster home did the Defendant's agents and/or employees establish any safeguards to keep P.L.S. safe since he was residing with an older male child with a known history of sexually aggressive behavior.

13. Based on information and belief, at no time while P.L.S. was residing in the Curry foster home did the Defendant's agents and/or employees obtain written confirmation from E.M.'s treating therapists that E.M. would not pose a risk to other children.

14. During the time that P.L.S. resided in the Curry foster home, P.L.S. was subjected to child on child sexual abuse on at least one occasion by E.M., and/or exposed to his sibling, B.P.S., being sexually abused by E.M..

15. Defendants knew or should have known that P.L.S. was being sexually abused
in the Curry foster home by E.M.

16. On or about June 11, 2010, P.L.S. was removed from the Curry foster home and reunited with his Father, PHILIPPE SABINUS, SR.

PLAINTIFF B.P.S.

17. On or about March 9, 2010, Plaintiff B.P.S. was taken into protective custody by the Florida Department of Children and Families and removed from his mother's custody when she was arrested by the U.S. Marshals. Subsequently, in March and April 2010, Plaintiff B.P.S., who was seven (7) years old at the time, was placed by the Defendants in the Curry Foster Home.

18. At all times while B.P.S. was residing in the Curry foster home, the agents and/or employees of the Defendants knew or should have known that E.M., another foster child living in the Curry foster home, had a history as a victim and/or perpetrator of sexual abuse and had sexually acted out with other children and/or foster children.

19. At all times while B.P.S. was residing with E.M. in the Curry foster home, Defendants knew or should have known that E.M. was an older male child with a known history of sexually aggressive behavior.

20. Based on information and belief, at no time while B.P.S. was residing in the Curry foster home did the Defendant's agents and/or employees establish any safeguards to keep P.L.S. safe since he was residing with an older male child with a known history of sexually aggressive behavior.

21. Based on information and belief, at no time while B.P.S. was residing in the Curry foster home did the Defendant's agents and/or employees obtain written confirmation from E.M.'s treating therapists that E.M. would not pose a risk to other children.

22. During the time that B.P.S. resided in the Curry foster home, B.P.S. was subjected to child on child sexual abuse on at least one occasion by E.M., and/or exposed to sexual abuse of his sibling, P.L.S., by E.M.

23. Defendants knew or should have known that B.P.S. was being sexually abused in the Curry foster home by E.M.

24. On or about June 11, 2010, B.P.S. was removed from the Curry foster home and reunited with his Father, PHILIPPE SABINUS, SR.

COUNT I
(NEGLIGENCE)

25. Plaintiffs P.L.S., B.P.S., and hereby reallege paragraphs 1 through 24 above, as if fully set forth herein.

26. Pursuant to Section 768.28, Florida Statutes, Plaintiffs P.L.S. and B.P.S. provided notice of this claim as required and all conditions precedent have been performed.

27. Defendants FSS and MHRC, as community based care providers, through their agents and/or employees, owed Plaintiffs P.L.S. and B.P.S. the following duties:

- a. To use reasonable care to keep P.L.S., and B.P.S. safe while in Defendants' custody and care;
- b. To protect P.L.S. and B.P.S. from victimization by other foster children and by sexually aggressive children;
- c. To use reasonable care in the oversight and supervision of children in their custody and care to ensure that those children were not abused by other children, including P.L.S. and B.P.S., with whom they resided;
- d. To comply with the rules of the Florida Administrative Code and the rules and regulations of the Florida Department of Children and Family regarding the safety of children, including P.L.S. and B.P.S.;
- e. To prepare and implement safety plans or plans of care to ensure that all foster and/or shelter children, including P.L.S. and B.P.S., were safe and not victimized by other children with known histories of sexual abuse and aggression;
- f. To implement the provisions of all safety plans or plans of care that were created to ensure that all foster children and/or former foster children with known sexual histories would not victimize other children, including P.L.S., and B.P.S.;
- g. To provide any and all necessary safety measures to ensure all children with known sexual histories would not victimize other children, including P.L.S. and B.P.S.;

- h. To properly report, investigate, and take action on allegations of child on child sexual abuse to protect children placed in the custody and care, including P.L.S. and B.P.S.;
- i. To perform monthly visits in accordance with the requirements of the Florida Department of Children and Families for foster children to ensure the safety and well-being of the foster children in a family foster home, including P.L.S. and B.P.S.;
- j. To ensure that a child who is prone to sexually victimizing other children is the youngest child residing in the foster home;
- k. To obtain written confirmation from a child's treating therapist that a child with a history of sexually victimizing younger children would not pose a threat to other children, especially younger children such as P.L.S. and B.P.S., if the children resided in the same home;
- l. To ensure that a child with a history of sexually aggressive behavior resided in a bedroom with no other children;
- m. To outline a plan of care to handle any special management issues identified in the any history and assessments to ensure that all children in a foster home, including P.L.S. and B.P.S., are safe and not subjected to child on child sexual abuse due to a known history of victimization or sexually assaultive behavior;
- n. To ensure that children in their custody and care, including P.L.S. and B.P.S., are safe;
- o. To ensure that children in their custody and care, including P.L.S. and B.P.S., are placed in safe and appropriate foster homes, are safe in those foster care placements, and are not left in dangerous or hazardous living conditions;
- p. To outline a plan of care to adequately address any special management or safety issues identified in the history and assessments to ensure that all children placed in a foster home, including P.L.S. and B.P.S., are safe;
- q. To ensure that all relevant conditions of the foster home that might affect the children placed there, including P.L.S. and B.P.S., are investigated;
- r. To continually assess the adequacy and safety of foster care

placements for children placed in their custody and care, including P.L.S. and B.P.S., and/or ensure that others are doing so;

- s. To ensure that all necessary care plans are established for children placed in their custody and care, including P.L.S. and B.P.S.; and
- t. To ensure that all necessary and appropriate referrals are made evaluation and services, including those for child victims of sexual abuse, for the children placed in their custody and care, including P.L.S. and B.P.S.

28. Defendants FSS and MHRC, through their agents and/or employees, breached said non-discretionary duties.

29. As a direct and proximate result of the aforementioned breach, Plaintiffs P.L.S. and B.P.S. were repeatedly sexually assaulted, while in the custody and care of the Defendants, and suffered, and will continue to suffer, severe bodily harm and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, and expenses of hospitalization, medical, psychological, psychiatric, therapeutic, and/or nursing care and treatment. These losses are either permanent or continuing in nature and Plaintiffs will continue to suffer such losses in the future. Furthermore, Plaintiffs will require services and treatment for the rest of their lives due to the severe psychological trauma and other harm they have endured.

WHEREFORE, Plaintiffs, P.L.S. and B.P.S. demand judgment against Defendants, for compensatory damages, costs, and all such other permissible relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLAINTIFFS hereby demand a trial by jury of all issues so triable in this case.

**ZISSER, ROBISON, BROWN, NOWLIS,
MACIEJEWSKI & CABREY, P.A.**



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